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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/060,600 | 01/30/2002 | Stuart Leitch | 76971 | 8273 |

7590

11/24/2003

Welsh & Katz, Ltd.
Richard J. Gurak
22nd Floor
120 South Riverside Plaza
Chicago, IL 60606

EXAMINER

COLLINS, DOLORES R

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 11/24/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/060,600

Applicant(s)

LEITCH, STUART

Examiner

Dolores R. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received
8/27/03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14 & 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hoyle's Modern Encyclopedia of Card Games.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 1

Hoyle teaches a method of playing a solitaire game played with conventional playing cards; a set of game pieces (cards) grouped into at least four groups (clubs, hearts, diamonds and spades), a second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards); distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used); moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered—consistent with the game of solitaire and moving the game pieces (cards) from the field area and stock area to the home area (area where the completes sets are placed).

Regarding claim 2

Hoyle teaches groups with an equal number of game pieces (2 through Ace of each group - clubs, diamonds, spades and hearts).

Regarding claim 3

Hoyle teaches second means in each group ordered (2 through Ace).

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2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games.

Regarding claim 4

Hoyle teaches groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game. It is however inherent in the game of Klondike solitaire that it is played on a surface which is adopted as the board of play. It would be obvious to use the surface upon which the game is played as the game board of play in this game.

Alternatively:

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games in view of Chernowski, Jr.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 4

Hoyle teaches groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game.

Chernowski, Jr. discloses Card Game components and Method of Play.

Chernowski, Jr. teaches a game board with includes a reserve are (a draw pile), a field area (memory area), a home are (program card area) and a stock are (storage area) – see figure 1 & abstract.

It would have been obvious to include the game board of Chernowski, Jr. with the Klondike Solitaire game disclosed by Hoyle for a more structured game play area.

Allowable Subject Matter

Claims 5-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claim 5 including 'at least one strategy piece for use with the plurality of game pieces to indicate whether an individual game piece is needed;' This requirement is not seen or fairly suggested by the prior art of record.

Response to Arguments

Applicant's arguments filed 8/27/03 have been fully considered but they are not persuasive. Applicant has amended independent claim 1 to include language that fails to place the claim in condition for allowance. A third means, e.g., red & black being interleaved within each group ordered by the first indicia is clearly taught by a standard deck of cards. Applicant further includes language that indicates that all three means are visible. This limitation again is clearly taught by a standard deck of cards. Because of the way applicant has articulated the limitations of claim 1, it is broad enough to read on the cited reference along with a standard deck of cards used therewith.

Applicant claims in his remarks on page 1, paragraph 2 that the reference to Hoyle fails to teach cards being visible. Examiner agrees that not all of Hoyle's cards

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are visible, but nowhere does applicant articulate such (as it relates to his invention) in his claims. Applicant fails to explicitly claim his invention as described.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lomberg, Marbury, Kelly et al., Harper, Colomac, Jr. and Chernowski, Jr. are cited to show the state of art with respect to features of the claimed invention.

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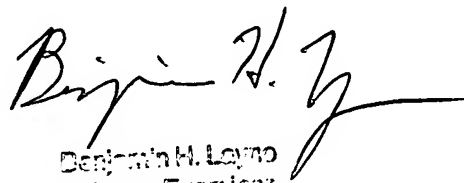
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(703) 308-8352**. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BENJAMIN LAYNO** can be reached on **(703) 308-1815**. The fax phone numbers for the organization where this application or proceeding is assigned are **(703) 305-3579** for regular communications and **(703) 305-3579** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 308-1148**.



November 5, 2003


Benjamin H. Layno
Primary Examiner